

PART I TERRITORIAL SEA
PROPOSED SINGLE TEXT COVERING PROVISIONS 24-28 OF WP1

A. Innocent Passage in the Territorial Sea

(a) Rules applicable to all ships

Provision

Subject to the provisions of these Articles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.

Provision

For the purposes of this Chapter:

- a. Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering any port or internal waters, or of proceeding to or from any port or internal waters.
- b. The term "port" includes any harbour or roadstead normally used for the loading, unloading or anchoring of ships.
- c. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or by distress.
- d. Passage shall be continuous and expeditious. Passing ships shall refrain from engaging in any activity other than mere passage.

Provision

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with these Articles and with other rules of international law.
2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State, only if in the territorial sea it engages in any threat or use of force in violation of the Charter of the United Nations, or if it engages in any of the following activities:
 - (i) any exercise or practice with weapons of any kind
 - (ii) the launching or taking on board of any aircraft;
 - (iii) the launching, landing or taking on board of any military device;
 - (iv) the taking on board or putting overboard of any commodity, currency or person in contravention of the customs, fiscal, immigration or sanitary regulations of the coastal State;
 - (v) any act aimed at collecting information to the prejudice of the defence or security of the coastal State;

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(vi) any act aimed at interfering with any system of communication of the coastal State;

(vii) any act aimed at interfering with any other facilities or installations of the coastal State.

3. The act of passage in itself shall not be deemed to constitute a threat or use of force.

4. Passage shall not be considered prejudicial to the peace, good order or security of the coastal State if any such activity is carried out with the prior authorisation of the coastal State or is rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress, or as may be prudent for safe navigation.

PROPOSED SINGLE TEXT COVERING PROVISIONS 24-28 OF WP1

4. Innocent Passage in the Territorial Sea

(a) Rules applicable to all ships

Provision

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a. Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering any port or internal waters, or of proceeding to or from any port or internal waters.

b. The term "port" includes any harbour or roadstead normally used for the loading, unloading or anchoring of ships.

c. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or by distress.

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Provision

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- (i) any exercise or practice with weapons of any kind;
- (ii) the launching or taking on board of any aircraft;
- (iii) the launching, landing or taking on board of any military device;
- (iv) the taking on board or putting overboard of any commodity, currency or person in contravention of the customs, fiscal, immigration or sanitary regulations of the coastal State;
- (v) any act aimed at collecting information to the prejudice of the defence or security of the coastal State;

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- (vi) any act aimed at interfering with any system of communication of the coastal State;
- (vii) any act aimed at interfering with any other facilities or installations of the coastal State.

3. The act of passage in itself shall not be deemed to constitute a threat or use of force.

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